

AMENDED IN SENATE MAY 13, 2013

SENATE BILL

No. 338

Introduced by Senator Hill

(Coauthor: Senator Yee)

(Coauthors: Assembly Members Campos, Fong, Mullin and Ting)

February 20, 2013

An act to amend Section 54953 of the Government Code, relating to ~~local agencies~~ add Section 28062 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, as amended, Hill. ~~Local agency meetings: teleconferencing.~~
Fire extinguishers: limousines.

Existing law requires new and used recreational vehicles and campers that are equipped with cooking or heating equipment to be sold equipped with a fire extinguisher, as specified. Under existing law, a violation of this provision is a crime.

This bill would require limousines, as defined, to be equipped with a fire extinguisher, as specified. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend. Under the act, the legislative body of a local agency is required to post an agenda, as specified, at least 72 hours before a regular meeting of that body, and is prohibited from acting on or discussing any item not appearing on the agenda, except as provided. The act also authorizes a legislative body to use teleconferencing to conduct a meeting, subject to specified requirements, including that each teleconference location be accessible to the public and that at least a quorum of the members of the body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.~~

~~This bill would require, if the legislative body of a local agency elects to use teleconferencing and a teleconference location is located outside the boundaries of the local agency, that the agenda be posted at that location at least 24 hours in advance of the meeting rather than 72 hours.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~Vote: majority ²/₃. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 28062 is added to the Vehicle Code, to
- 2 read:
- 3 28062. (a) Every limousine shall be equipped with one fully
- 4 charged fire extinguisher having at least a 4B:C rating.
- 5 (b) For the purposes of this section, "limousine" includes any
- 6 sedan or sport utility vehicle, of either standard or extended length,
- 7 with a seating capacity of not more than 10 passengers including
- 8 the driver, used in the transportation of passengers for hire on a
- 9 prearranged basis within this state.
- 10 SEC. 2. No reimbursement is required by this act pursuant to
- 11 Section 6 of Article XIII B of the California Constitution because
- 12 the only costs that may be incurred by a local agency or school
- 13 district will be incurred because this act creates a new crime or

infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the limousine-using public are protected with fire extinguishers at the earliest possible time, it is necessary for this act to take effect immediately.

~~SECTION 1. Section 54953 of the Government Code is amended to read:~~

~~54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.~~

~~(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.~~

~~(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.~~

~~(3) (A) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as~~

~~provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.~~

~~(B) Notwithstanding Section 54954.2 if a teleconference location is located outside the boundaries of the local agency, the agenda shall be posted at that location at least 24 hours in advance of the meeting.~~

~~(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.~~

~~(c) No legislative body shall take action by secret ballot, whether preliminary or final.~~

~~(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting.~~

~~(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.~~

~~(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code; any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section~~

1 14087.3 of the Welfare and Institutions Code, and any advisory
2 committee to a county sponsored health plan licensed pursuant to
3 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
4 Health and Safety Code if the advisory committee has 12 or more
5 members.

6 (4) This subdivision shall remain in effect only until January 1,
7 2018.

8 SEC. 2. The Legislature finds and declares that Section 1 of
9 this act, which amends Section 54953 of the Government Code,
10 imposes a limitation on the public's right of access to the meetings
11 of public bodies or the writings of public officials and agencies
12 within the meaning of Section 3 of Article I of the California
13 Constitution. Pursuant to that constitutional provision, the
14 Legislature makes the following findings to demonstrate the interest
15 protected by this limitation and the need for protecting that interest:

16 Because teleconferencing provides a viable alternative for local
17 officials to attend public meetings when they are unable to be
18 present in person, which often occurs upon short notice,
19 maintaining the 72-hour time period for posting an agenda at a
20 teleconference location outside the boundaries of the agency could
21 result in the canceling and rescheduling of meetings, thus delaying
22 the people's business. Therefore, the health and safety of the people
23 of California are enhanced by giving governing bodies the authority
24 to post meeting agendas in teleconference locations outside local
25 agency boundaries within a shortened time period.